United Nations CEDAW/C/OMN/Q/2-3

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
13 March 2017

Original: English

Committee on the Elimination of Discrimination against Women
Sixty-eighth session
23 October-17 November 2017
Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined second and third periodic reports of Oman

Constitutional and legislative framework

1. It is stated in the report that article 17 of the Basic Statute of the State (constitution) prohibits discrimination among citizens on the basis of sex, and that efforts have been made to purge other laws and regulations of any discriminatory provisions based on sex (CEDAW/C/OMN/2-3, paras. 17 and 21).[1] Please provide information on the efforts made towards adopting comprehensive anti-discrimination legislation that includes a definition of discrimination against women encompassing both direct and indirect discrimination in the public and private spheres and in all areas covered by the Convention in line with article 1 of the Convention (Sustainable Development Goal indicator 5.1.1). Please also indicate whether a comprehensive review of laws that discriminate against women and girls has been undertaken with a view to their repeal, in particular the discriminatory provisions of the Criminal Code, the Personal Status Act, the Arbitration and Reconciliation Law and the Nationality Act. Please also provide information on the inclusion of any constitutional guarantees envisaged to allow laws that are incompatible with the Basic Statute and international obligations to be challenged.

Reservations

2. It is mentioned in the report that the Council of Ministers agreed to withdraw the reservation to article 15 (4) of the Convention on the condition that the measures

Note: The present document is being circulated in Arabic, English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined second and third periodic reports of Oman.

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necessary to put into effect its decision in accordance with the Basic Statute are adopted (para. 20). Please provide information on the steps taken to adopt such measures with a view to effectively lifting the reservation. Please further describe the impact of the State party's general reservation to all provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in Oman", on the full realization of the principle of equality between women and men as enshrined in the Convention. Please also indicate whether a time frame has been set for undertaking a review of the general reservation and of the reservations to articles 9 (2) and 16 (a), (c) and (f), with a view to their withdrawal and in accordance with the pledge made by the State party in the framework of the second cycle of the universal periodic review (see A/HRC/31/11/Add.1, para. 129.36).

Legal status of the Convention

3. It is indicated in the report that, under article 80 of the Basic Statute of the State, all provisions of the Convention, excluding those to which there are reservations, are part of national legislation (see paras. 17 and 21). Also mentioned are awareness-raising and training activities aimed at increasing knowledge about the Convention among the judiciary (paras. 13-15). Please indicate whether any impact assessment of such training has been undertaken and, if it has, provide information on the outcome. Please specify whether such training has also been extended to officials in religious courts.

Access to justice

4. Please provide information on awareness-raising campaigns and other measures taken to ensure that women, including disadvantaged groups of women, are aware of their rights under the Convention and able to claim those rights, including by lodging complaints through the legal system when their rights have been violated. Please provide information on cases brought before the courts on discrimination against women and the outcomes thereof. Please indicate whether the Convention has been invoked before the courts. Please also indicate the steps taken by the State party to ensure that women are not discriminated against by criminal, civil and religious courts and that they have effective access to justice and remedy. Please indicate whether the State party is considering establishing a State-sponsored legal aid programme.

National human rights institution

5. It is indicated in the report that the National Human Rights Commission, which was accredited with "B" status by the Global Alliance of National Human Rights Institutions in 2014, monitors and receives complaints from women, including working women, about human rights violations (para. 26). Please provide information regarding the number of such complaints received and the outcomes. Please indicate whether measures have been taken to raise awareness among women about the existence of the mechanism and whether assistance is available to women in filing complaints. Please provide detailed information on the measures taken to ensure the independence of the Commission, in line with the principles relating to the status of national institutions for the promotion and protection of human rights

(the Paris Principles). Please also provide information on its mandate in relation to women's rights and on its human, technical and financial resources.

National machinery for the advancement of women

6. It is indicated in the report that the Ministry of Social Development has worked to provide specialized, experienced staff and a special budget to the Women's Affairs Department and the Committee to Monitor the Implementation of the Convention. The State party also mentions the completion of a national strategy for women entitled "Enhancing the Quality of Life" and the issuance of Ministerial Decree No. 150/2014 to form a steering committee to monitor its implementation (paras. 29-30). Please indicate whether the Department is now adequately equipped in terms of human, technical and financial resources to coordinate the policies and the mechanisms at the central and local levels, including by opening branch offices in all governorates, to achieve the full and uniform implementation of the Convention throughout the territory of the State party. Please provide information on the proportion of the national budget allocated to the national machinery. Please indicate whether the national strategy for women has been formally adopted and an action plan developed. If so, please indicate the time frame and the resources allocated for implementation. Please also clarify the role of the Department in such implementation. Please provide information on the measures taken to address the challenge posed by the fiscal system machinery in adopting gender-responsive budgets. Please clarify the new approach of budgeting according to sector with regard to the allocation of budgetary resources for women (para. 31).

Civil society organizations

7. It is indicated in the report that there has been an increase in the number and geographical spread of Omani women's associations throughout the governorates (paras. 35 and 76). Please provide further information on the follow-up given to the recommendation made by the Committee (see CEDAW/C/OMN/CO/1, para. 32) and indicate the specific measures taken to create and ensure an enabling environment in which civil society and women's rights organizations can operate freely and the legal requirements for the registration and operation of non-governmental organizations, including those relating to women's human rights. Please also indicate measures, including legislative measures, taken to ensure the diversity and independence of civil society organizations and freedom of expression for all sectors of society.

Temporary special measures

8. It is mentioned in the report that measures have been taken with a view to achieving real gender equality in political and decision-making posts, including the issuance of decrees appointing women to the Council of State and to a number of leadership posts (para. 36). In the light of the Committee's previous concluding observations (CEDAW/C/OMN/CO/1, para. 22), please provide information on further steps taken to familiarize relevant officials and political representatives with the concept of temporary special measures as described in article 4 (1), of the Convention, as set out in the Committee's general recommendation No. 25 (2004) on temporary special measures, and indicate whether such temporary special measures, including quotas and other proactive measures, are envisaged to

accelerate the full and equal participation of women in all areas covered by the Convention, in particular in the political and employment spheres.

Stereotypes and harmful practices

9. It is indicated in the report that efforts have been undertaken to change gender stereotypes by promoting a balanced picture of the role of women and men in school curricula, textbooks and visual representations of situations of daily life, incorporating concepts of women's human rights into educational curricula for grades 1 to 12, and raising awareness through information programmes to emphasize equality in the roles of men and women (paras. 43-44). Please indicate whether any impact assessment of such programmes has been undertaken and, if it has, what the outcome is. Please provide information on further measures taken to eliminate the stereotypes that underpin deeply entrenched patriarchal attitudes and reinforce the subordination of women in society. Please provide information on the efforts made, through awareness-raising and educational campaigns targeting religious and community leaders, parents and teachers, to counter stereotypical attitudes towards women and girls.

10. It is mentioned in the report that article 20 of the Child Act prohibits harmful traditional practices and provides sanctions for those promoting or assisting in such practices (para. 46), and that the minimum age of marriage is 18 for both boys and girls (para. 181). The Committee has been informed that female genital mutilation has not been explicitly criminalized however and is still widely practised in the State party, and that a high proportion of girls have been reported to be married before the age of 18 years, in particular in remote areas. In line with joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, please provide information on the steps taken to eliminate such harmful practices, including by explicitly criminalizing female genital mutilation and enforcing the legal minimum age of marriage, set at 18 years, in particular in remote areas; raising awareness of the many negative consequences of such practices, targeting in particular parents, teachers, religious and community leaders, as well as health and education professionals; and ensuring that perpetrators are prosecuted and adequately punished.

Violence against women

11. It is indicated in the report that the Criminal Code contains provisions criminalizing rape and physical forms of violence, including beating, harming and wounding (para. 47). Please indicate whether steps have been taken to adopt a specific law on violence against women, including domestic and sexual violence, establish appropriate redress mechanisms accessible to all women, including domestic workers, and ensure that perpetrators are prosecuted and adequately punished. Please inform the Committee of measures envisaged to amend the Code to criminalize marital rape and non-penetrative forms of sexual assault and to strengthen sanctions for crimes committed in the name of so-called "honour". Please provide data, disaggregated by age, nationality and relationship between the victim and the perpetrator, on cases of violence against women, in particular domestic and sexual violence, reported since 2011, including the number of convictions and sentences imposed. Please also comment on reports received by the

Committee according to which women and girls who are victims of sexual abuse risk being punished along with the perpetrator if they press charges.

12. Please provide further information on measures taken to ensure that women and girls who are victims of violence, including disadvantaged groups of women, have access to effective remedies and protection. Please also provide information on legal, medical and psychological assistance and rehabilitation for victims, in particular in rural areas, and on the number, capacity and geographical distribution of shelters and the conditions therein. What measures have been taken to address cultural attitudes preventing or discouraging women from reporting cases of violence? What steps have been taken to systematically collect data on violence against women and girls in the State party?

Trafficking and exploitation of prostitution

13. It is stated in the report that measures have been taken to address trafficking in persons, including the issuance of decrees to protect domestic workers from exploitation or trafficking and the provision of temporary shelter, social and psychological programmes and legal aid to victims (paras. 52-57). However, the Committee received information about the persistence of cases of women and girls being trafficked for the purpose of forced labour, forced prostitution and domestic servitude, as well as a decrease in prosecutions and convictions for trafficking. Please provide information on the measures adopted for the effective implementation of the Act on Combating Trafficking in Persons (2008) and indicate whether the State party has developed a new national action plan to combat trafficking. Please provide information on the human, technical and financial resources allocated to the National Committee to Combat Trafficking in Persons (para. 59). Please also provide updated data, disaggregated by sex, age and nationality, on the number of victims of trafficking, specifying whether the victims were trafficked for labour or sexual exploitation purposes, and indicate the number of cases investigated, persons prosecuted and convicted and sentences imposed under the Act for the period under consideration. Please provide information on further measures taken to train government officials to recognize and respond appropriately to trafficking offences, to expand public awareness programmes that promote the identification of victims and perpetrators and to raise awareness of preventive measures and avenues for assistance and redress, including the provision of interpretation in the language of the victim. Please indicate the measures taken to ensure that victims of trafficking and sexual exploitation are never criminalized or deported for acts committed as a direct result of being trafficked, such as immigration violations or prostitution, and are provided with the necessary assistance and protection.

Participation in political and public life

14. Several awareness-raising and training initiatives to promote the participation of women in political and public life are mentioned in the report. It is acknowledged, however, that cultural and social factors impede women's access to high-ranking and decision-making positions (para. 60), as only 1 per cent of the members of the Consultative Council, 15.4 per cent of the members of the Council of State (appointed by the Sultan), 3 per cent of the members of the municipal councils and 7.3 per cent of ambassadors are female, while three women currently

hold the rank of minister and no woman has been appointed as a judge (paras. 61-85). Please provide information on measures taken to address those obstacles to the advancement of women, including by raising the awareness of society as a whole of the importance of the participation of women in decision-making, and by further enhancing the capacity of women and encouraging their participation in political and public life. Please also indicate whether the State party envisages adopting laws and policies aimed at the promotion of the full and equal participation of women in decision-making in all areas of public, political and professional life, in particular by introducing temporary special measures, including quotas.

Nationality

15. It is indicated in the report that the new nationality law of 2014 provides, among other things for children born out of wedlock to unidentified parents and for those born to an Omani mother and a foreign father who is either unknown or stateless to be granted Omani nationality (para. 95). Please indicate whether any steps are envisaged to remove the strict conditions imposed under article 18 of the new law on an Omani mother married to a foreigner who wishes to pass her citizenship on to her children (para. 96), as well as the discriminatory provisions against women with regard to the naturalization of foreign spouses (paras. 98-99), in order to enable Omani women to transmit their nationality to their foreign spouses and their mutual children on an equal basis with men.

Education

16. The high enrolment rates for women and girls in all levels of education are mentioned in the report (paras. 105 and 113-115), as are the measures taken to reduce the illiteracy rate (paras. 106-107) and to provide career and vocational programmes (paras. 108-109 and 117). Please provide information on the measures taken to further reduce the female illiteracy rate and to ensure that girls have access to extracurricular activities and sports activities in schools, especially in rural areas, and to remove discriminatory gender stereotypes from school curricula and textbooks. Please also provide information on efforts to reduce the dropout rate for girls, including by addressing the reasons behind the non-completion of schooling. Please indicate whether the State party envisages developing and implementing national strategies and action plans aimed at eliminating traditional stereotypes and structural barriers that might deter the enrolment of girls in non-traditional fields of education at the secondary and tertiary levels. Please describe steps taken in collaboration with the private sector to develop a market need-based, gender-sensitive career guidance programme. Please also provide information on measures taken to ensure that children of migrant women have access to affordable, high-quality education.

Employment

17. Relevant articles of the Labour Code are mentioned in the report. The Act affirms the prohibition of sex-discrimination in respect of the same work and prevents an employer from dismissing a female worker for absences due to maternity (para. 25). Please provide updated data on the percentage of women in the labour force, disaggregated by field of activity in the public and private sectors and by occupation rate (full-time or part-time). Please provide information on steps

taken to address the low participation rate of women in the labour market, especially in the private sector (para. 119), the gender wage gap in both the public and the private sectors and the continuing horizontal and vertical gender segregation in the labour market. Please also clarify whether the new draft labour code has been adopted, and whether it includes a provision that provides for equal pay for men and women for work of equal value, as well as an increase in the frequency and duration of maternity leave and the setting aside of time for female workers to nurse their newborns, as requested by the General Federation of Oman Trade Unions (para. 25). Please provide information on further measures taken to provide working women with the necessary support services and to promote the concept of shared family responsibility in order to reconcile professional and family life. Please provide information on measures taken to ensure that the Labour Code covers all cases of sexual harassment in the workplace.

Health

18. It is reported that health indicators for women have improved significantly, in particular in terms of life expectancy, maternal mortality, health-care coverage for pregnant women, births under medical supervision and HIV examination during pregnancy (para. 140). Please provide information on steps taken to address any disparities in delivering health services to women and to ensure that high-quality health services, including sexual and reproductive health services, in particular access to modern and emergency contraceptives, are provided to the largest possible segment of women in both urban and rural areas. Please indicate what steps the State party is taking to amend its legislation on abortion, with a view to including other grounds for performing legal abortions, in addition to that of threat to the life of the mother, in particular in cases of serious fetal malformation and pregnancies arising from incest and rape (para. 137), as well as to remove punitive measures for women who undergo abortion. Please indicate the number of women who have been held in detention and sentenced for having undergone an abortion in the State party within the reporting period, including information on the length of such detention. Please indicate whether age-appropriate education on sexual and reproductive health and rights, as well as responsible sexual behaviour, has been integrated into the regular school curricula at both the primary and secondary levels as a separate subject and is offered by adequately trained teachers (para. 110).

Women migrant domestic workers

19. Please provide information on measures taken or envisaged to reform the *kafala* system with a view to combating exploitative working conditions of women and girls employed as domestic workers, including migrants, protecting them from economic and physical exploitation and abuse by their employers and ensuring their freedom to change employers without having to seek permission from their original sponsors. Please also indicate whether steps are envisaged to extend the ambit of the national labour laws to domestic workers, which would serve as a means of reducing their vulnerability to abuse and exploitation by employers and facilitate their enjoyment of all rights. Please provide information on proactive measures taken to step up efforts to prevent abuse of migrant workers, including forced labour, and to effectively investigate cases and prosecute perpetrators, and to increase the number of qualified and trained labour inspectors. Please provide

information on specific steps taken by the State party to ensure that women domestic migrant workers are aware of their rights and have access to legal aid and protection, including shelters, as well as to effective legal recourse in criminal and civil courts. Please also indicate measures taken to effectively enforce the regulations prohibiting the confiscation of the passports of domestic workers. Please provide detailed information on the number of cases of arrest and prosecution for using forced labour, for being involved in trafficking for forced labour and for having mistreated a domestic worker, as well as information on the nature of the sanctions imposed in those cases. Please also indicate whether any steps have been taken to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, pursuant to the Committee's previous concluding observations (CEDAW/C/OMN/CO/1, para. 50), as well as the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Equality before the law and in civil matters

20. Please indicate whether the existing legal provisions, whereby a woman's testimony is worth half that of a man before a court in criminal matters and in some civil matters, are to be reviewed and repealed with the aim of eliminating gender-based discrimination and ensuring equality before the law. Please clarify whether relevant laws have been amended to guarantee women the same freedom of movement as men, in line with the decision of the Council of Ministers to withdraw the reservation to article 15 (4) of the Convention. Please comment on information received by the Committee according to which women are still required to have the permission of their father, husband or male guardian to obtain a passport and travel outside the country, notwithstanding the adoption of Royal Decree No. 11/2010, which amended the Passport Act to entitle a woman to obtain a passport without needing her guardian's consent (para. 45).

Marriage and family relations

21. Please indicate the measures taken to repeal the provisions of the Personal Status Act that continue to discriminate against women, such as those relating to polygamy, divorce, custody of children and inheritance, and those that impose male guardianship over women. Please further indicate steps taken to repeal the legal provisions that authorize a man to unilaterally divorce his wife, whereas a woman who wishes to divorce her husband must apply for a court order, which may be granted only on limited grounds. Please also provide information on the outcome of the cases which were brought before the sharia courts in application of Royal Decree No. 55/2010, as well as the 263 cases directly appealed to the Sultan (para. 19). Please indicate whether the State party may consider the possibility of introducing an optional system of civil marriage and divorce available for all. Please also indicate the steps taken to bring the Personal Status Act into line with the Convention and other international legally binding instruments, taking into consideration the experience of countries with similar sociocultural and religious backgrounds and legal systems.

Optional Protocol and amendment to article 20 (1) of the Convention

22. It is indicated in the report of the Working Group on the Universal Periodic Review that the State party did not support a recommendation that it ratify the Optional Protocol to the Convention (A/HRC/31/11/Add.1, paras. 129.39 and 129.40). Please indicate whether any progress has been made towards accession to the Optional Protocol since the second cycle of the universal periodic review, in 2015, and towards acceptance of the amendment to article 20 (1), of the Convention.